

society shall not be prohibited by this Article from limiting the sale, rental or occupancy of dwellings which it owns or operates to persons of the same religion or from giving preference to such persons unless membership in such religion is restricted on account of race, color, or national origin.

- (6) The sale, rental, exchange or lease of commercial real estate, which is real estate not intended for residential use.
- (7) A private club, not in fact, open to the public, which as an incident to its primary purpose or purposes, provides lodging which it owns or operates for other than commercial purposes limiting the rental or occupancy of such lodging to its members or giving preference to its members.
- (8) The provisions of this Article regarding familial status shall not apply with respect to housing for older persons.

(b) As used in this section 'housing for older persons' means, housing:

- (1) Provided under any State or federal program that is specifically designed and operated to assist elderly persons (as defined in the State or federal program); or
- (2) Intended for, and solely occupied by, persons 62 years of age or older; or
- (3) Intended and operated for occupancy by at least one person 55 years of age or older as shown by the following factors:
 - a. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
 - b. That at least eighty percent (80%) of the dwellings are occupied by at least one person 55 years of age or older per unit; and
 - c. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(c) Housing shall not fail to meet the requirements of 'housing for older persons' by reason of:

- (1) Persons residing in such housing as of the date of enactment of this act who do not meet the requirements of subsection (b)(2) and (3).